

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Business Meeting held September 5, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:34 p.m. by Vice-Chairman William C. Seeds., Sr. on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Seeds were, William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer; Brian Luetchford, Parks and Recreation Director, Edward Stalneck, Herbert, Rowland and Grubic, Inc.; Paul Navarro, Navarro and Wright Consulting Engineers, Inc.; Jeff Staub, Dauphin Engineering; and Sean Mudgett.

Pledge of Allegiance

Mr. Seeds led the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the June 27, 2006 business meeting, and the August 1, 2006 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Eric Epstein explained that he operates a business, EFMR Monitoring Group, that monitors radiation levels around TMI. He stated that he would like to donate several radiation monitors to the Township for their use. He noted he would be willing to work out any legal issues with Mr. Stine, and he would have a health-physicist perform three hours of free training in the use of the monitors. He suggested that these would be used for vehicular accidents along the highways in the Township.

Mr. Seeds thanked Mr. Epstein for his donation.

Mr. Wolfe requested four units for Township use.

Chairman and Board Member's Comments

Mr. Seeds noted that Evan Scott from Boy Scout Troop 23, St. Catherine Laboure's Church, was present with his father, Eric Scott, to earn his Communications Badge.

Manager's Report

Mr. Wolfe explained that the Friendship Community Center (FCC) reopened after a one-week maintenance shutdown. He noted that carpeting was replaced, the pool liner for the leisure pool was replaced, and general overall maintenance and cleaning was performed by staff during the one-week shutdown. In addition, a new fit zone, to include spinning and cardio-vascular equipment, was installed in two multipurpose rooms at the center.

Mr. Wolfe noted that the FCC is now accepting new applications at a 10% discount until September 8, 2006.

Mr. Wolfe noted that, as part of an agenda item for this meeting, the Board of Supervisors would vote to accept the organizational documents for the Township Arts Council. He noted that the Arts Council sponsored the painting of garbage cans in Township parks last year, and this year will be sponsoring a Scarecrow Exhibit. He noted that registration for the scarecrow event must be submitted to the Arts Council at the FCC by September 15, 2006. He noted that flyers and registration forms are available at the FCC, or by calling 657-5635.

Old Business

Ordinance 06-07; Repealing certain fire suppression requirements in Chapter 90, Article III, Section 90-7 (F) of the Codified Ordinances that are more restrictive than the Pennsylvania Uniform Construction Code

Mr. Wolfe explained that in the 1990's, the Board of Supervisors adopted certain fire suppression requirements that were more restrictive than the basic BOCA Codes. He noted that

the code requires fire suppression where public water is not available. He noted that developers need to comply with the requirements, but the unavailability of public water makes the installation of the fire suppression systems financially impractical for some projects. As a result, the Board of Supervisors adopted a Fire Suppression Forbearance process that allows for a dry system to be installed, with the property owner agreeing to connect the system once public water is connected to the property. He noted that in some instances, these agreements were entered into knowing that public water would never be available to these properties. He noted that the more restrictive fire codes in the ordinance have been problematic, and in 1999 the Commonwealth of Pennsylvania adopted a state-wide building code, whereby the Township's portion of the codified ordinance, except for the more restrictive requirements, were repealed in favor of the state-wide code.

Mr. Wolfe noted that the ordinance presented this evening would bring the Township into complete agreement with the Pennsylvania Uniform Construction Code (PA UCC) for buildings. He noted that it would repeal the more restrictive fire codes that exist in the Township, and that the ordinance is complete for action and it would be appropriate for Mr. Stine to conduct a public hearing.

Mr. Stine noted that this is the time and date set to conduct a public hearing for Ordinance 2006-07. He questioned if anyone wished to make comments. Hearing no comments, Mr. Stine closed the public hearing on Ordinance 2006-07.

Mr. Blain questioned if the changes to be made to the ordinance were discussed with the Public Safety Committee. Mr. Wolfe answered that there was no additional communication with the Public Safety Committee, and their standing policy was included in the Board members packets. He noted that during the discussion held regarding this issue at a workshop meeting, it

was noted that the Public Safety Committee is in opposition to repealing the more restrictive requirements.

Mr. Blain noted that he had no problem with the Board's repealing of this restrictive requirement to bring the Township's ordinance into compliance with the PA UCC, but he strongly felt that this should have been communicated to the Public Safety Committee. He noted that the reason should be spelt out to that Committee explaining why the Township wished to amending the fire suppression requirements. Mr. Seeds noted that he was in agreement with this.

Mr. Hornung noted that he did not think the Public Safety Committee's position would change and the Township is holding up the Harrisburg Christian School's use of several portable buildings. He noted that they cannot get an occupancy permit to use these rooms, and school has already started. He explained that this ordinance forces developers to install dry sprinkler heads that provide a false sense of security. He noted that it is ridiculous to install only the piping when it is apparent that there will never be a public water service to connect to. He noted that this is a waste of people's money. He noted that the Public Safety Committee will be against this ordinance, but he suggested that if it is adopted, then the Board members could meet with members from the Public Safety Committee to develop a policy that would make sense.

Mr. Blain agreed with Mr. Hornung, but he suggested that it would have made sense to receive the Public Safety Committee's feedback prior to the repealing of this ordinance. He noted that they may not be able to come up with any other suggestion other than sprinkling the building or installing holding tanks. He suggested that there may be newer fire techniques that are available. Mr. Hornung noted that the restrictions would have to be repealed to move forward with this issue, and noted that the Public Safety Committee's solution was to install large holding tanks that could accommodate a 30-minute water supply. He noted that there should be continued dialogue with the Public Safety Committee to find other options to the problem. He

noted that he did not want to force developers to waste money on a system that provides no protection, but provides a false sense of security. He noted that of all the forbearance agreements, none have been satisfied. He noted that it may take some time to come up with an answer, and the Harrisburg Christian School needs to use the classrooms. He stated that he is in favor of repealing this ordinance and discussing the issue with the Public Safety Committee.

Mr. Blain noted that he wanted it on the record that the Public Safety Committee is to be informed of the action taken at this meeting, and that further discussions will be held with them to explain why it was repealed and to make appropriate economical safety changes.

Mr. Crissman noted that the Township was looking for consistency to deal with this ongoing problem. He noted that he would also support the ordinance with the intention of further discussions with the Public Safety Committee. He noted that it would allow pending projects to move forward and to get additional input from the Public Safety Committee.

Mr. Seeds questioned what would happen to the current Forebearance Agreements if the ordinance was adopted this evening. Mr. Stine noted that he did not remember the text of the agreements. Mr. Wolfe answered that the agreements would remain in effect unless the Board amicably agrees to waive the conditions of the agreement. Mr. Stine noted that two willing parties could always amend an agreement. Mr. Seeds noted that passing this ordinance would not affect the current forbearance agreements.

Mr. Wolfe noted that the Board members could always choose not to enforce the terms of the Forbearance Agreements. He noted to enforce an agreement would take an act of the Board.

Mr. Seeds questioned if the Township could enact a forbearance agreement if the Township uses the PA UCC. Mr. Stine answered that there is no provision for a forbearance agreement in the PA UCC. Mr. Stine noted that a developer could appeal to the Building Codes Appeals Board and apply for a variance. He noted that the Building Codes Appeals Board has

the ability to provide for variances to the building codes, and that this is conducted by the West Shore Council of Governments.

Mr. Seeds noted that he and Mr. Hornung both have forbearance agreements and he had a concern that there would be no ethical issues with the adoption of this ordinance. Mr. Hornung noted that the adoption of this ordinance does not negate their forbearance agreements.

Mr. Seeds noted that he does not think this ordinance goes far enough, and should be sent back to the Public Safety Committee.

Mr. Seeds noted that he is concerned with the safety of the firefighters and public safety officials.

Mr. Crissman made a motion to approve Ordinance 06-07; Repealing certain fire suppression requirements in Chapter 90, Article III, Section 90-7 (F) of the Codified Ordinances that are more restrictive than the Pennsylvania Uniform Construction Code, and to notify the Public Safety Committee, and to seek additional discussions with them on said issue. Mr. Blain seconded the motion.

Mr. Seeds noted that he would not abstain from the vote since it would not affect him personally, but he did not think it went far enough.

Mr. Seeds called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, nay.

Mr. Hornung questioned what impact the adoption of the ordinance would have on the Harrisburg Christian School. Mr. Wolfe answered that they must comply with the requirements of the PA UCC for fire suppression before they can receive an occupancy permit. Mr. Hornung noted that the Township inspector should go out to the school to inspect the units.

Action on bids for construction of certain facilities at Thomas B. George Jr. Park

Mr. Wolfe noted that the Township advertised for bids to complete the work for the Thomas B. George Jr. Park and no bids were received at that time. The Board authorized staff to rebid, and only one bid was received. He noted that Edward Stalnecker, P.E., from Herbert, Rowland and Grubic, Inc. (HRG, Inc.), and Mr. Luetchford are present to present the information on the bids received.

Mr. Luetchford noted that the bids included the construction of the in-line hockey rinks, construction of a pavilion, in-fields, two basketball courts, volleyball court and a tennis court. He noted that he received a single bid from Rogele in the amount of \$429,715.00, and that it was much higher than the engineer's estimate of \$307,000.00.

Mr. Blain questioned why only one bid was received. Mr. Stalnecker answered that the contractors are very busy at this time, and although several contractors picked up packets, only one bid was received. Mr. Seeds questioned if this bid included the restrooms in the pavilion. Mr. Stalnecker answered that it did. Mr. Seeds questioned when Rogele could start the work. Mr. Stalnecker answered that they could start immediately.

Mr. Seeds stated that the price of materials is going up every day, and he noted that Mr. Stalnecker was roughly 25% low on his estimate. Mr. Seeds suggested if the Township waited to start the project he did not think it would be completed this year, and he did not think the Township would save any money, in fact, he suggested that the prices would increase. He noted that Rogele has worked for the Township before and does good work. He suggested that the Township would not get the project completed for a cheaper price.

Mr. Seeds questioned Mr. Stalnecker if he knew of any reason not to award the bid. Mr. Stalnecker noted that he is having Rogele check with his sub-contractor to ensure that the prices are accurate.

Mr. Crissman questioned what was budgeted for the project. Mr. Luetchford answered that \$250,000 was budgeted three years ago.

Mr. Crissman questioned why only one bid was received since the work is not unique, and he thought it was hard to believe that everyone was too busy. He questioned if there were any other reasons for the high bid. Mr. Stalnecker answered that he advertised twice in The Patriot News, and also sent bid packets to the Harrisburg Builders Association. Mr. Stalnecker stated that he thinks everyone is busy with work.

Mr. Blain noted that Rogele will sub out some of the work. Mr. Stalnecker stated that they will bid out the construction work. Mr. Blain questioned if the larger piece of work that must be subbed out would cost more than if Rogele did it themselves. Mr. Stalnecker explained that the building work is 40% of the contract. Mr. Blain questioned if there were any other park projects that would require site work. Mr. Luetchford answered that the only other site work would be the skate park. He noted that the project is considered a small project and that was the reason why no bids were received the first time.

Mr. Crissman suggested if the Township is going to do the project then it must move forward. Mr. Blain questioned what would happen if the work was not completed this fall and rebid next spring with other potential work. Mr. Luetchford answered that the Township would not get as good a price as this one.

Mr. Seeds questioned if the work could be completed this season. Mr. Stalnecker noted that they would have six to eight weeks to work on the project. He suggested that they may be able to finish the project this season.

Mr. Hornung questioned if the work was rebid in smaller pieces if it would be more cost effective. Mr. Stalnecker answered that it would be more expensive. Mr. Crissman noted that no

bid was received the first time, and only one bid was received the second time. He questioned if the Township waits, if there would be additional costs.

Mr. Seeds noted that the Possibility Place playground is open, and it is being used every day and there are no restroom facilities in the area.

Mr. Crissman made a motion to accept the bid for construction of certain facilities for the Thomas B. George Jr. Park in the amount of \$429,715.00 to Rogele. Mr. Seeds seconded the motion.

Mr. Blain questioned if this could be tabled until the next Board meeting for further discussion. He noted that a \$200,000 difference is very large and it should be discussed further. He questioned where the funds would come from and what impact it may have on other Township projects. He noted that the park does not have to be completed this season.

Mr. Crissman questioned how long the bid would be good for. Mr. Stalnecker answered that the bid is good for 60 days. Mr. Hornung noted that a special meeting could be advertised for next week to be held prior to the workshop meeting, and it could be discussed at that time.

Mr. Crissman questioned Mr. Blain if he was looking for other options to build the playground. Mr. Blain questioned if there are other options, or could other items be bid with this project to make one large project. He noted that he did not know where the extra \$200,000 would come from. He noted that these questions need further discussion by Board members, and stated that this is very much in-line with the discussions for the strategic five-year financial plan.

Mr. Hornung questioned if parts of the project could be completed at a later date, and the project could be bid in smaller pieces. He suggested if it was bid in smaller pieces, there may be more bids received and more competition. He suggested that it would be good to postpone the decision for a week to review alternatives.

Mr. Seeds questioned if it cost more for engineering services each time the project is bid. Mr. Stalnecker noted that the only additional costs would be the bidding process.

Mr. Seeds called for a roll call vote; Mr. Blain, nay; Mr. Crissman; nay; Mr. Hornung, nay; and Mr. Seeds, nay.

Mr. Hornung made a motion to advertise for a special business meeting to be held on September 12th to discuss the issue of the construction costs for the Thomas B. George Jr. Park. Mr. Crissman noted that the Board does not have to make a motion; it will be added to the next meeting agenda.

Mr. Eric Epstein, 4100 Hillsdale Road, questioned if the contract amount is the right number, and he questioned if the Township could negotiated with the bidder. He questioned if there was any legal exposure for the Township since it was a legal bid. Mr. Stine answered that there would be legal exposure if the Township attempted to negotiate with the bidder since it is illegal to do this since it was a competitive sealed bid.

Mr. Hornung questioned if the engineer could explain the major differences in the actual bid and the estimate made by the engineer. Mr. Seeds noted that this information should be provided to the Township prior to next Friday's packet. Mr. Seeds noted that Mr. Wolfe should advertise for a special business meeting for September 12th to address this issue.

New Business

Resolution 06-33; Authorizing the Township to pursue an amendment of the bylaws of the Capital Tax Collection Bureau

Mr. Blain explained that five years ago, in the year 2002, the Central Dauphin Tax Collection Bureau merged with the Capital Tax Collection Bureau (CTCB), and part of the bylaws that were adopted at that time was set that three members from the former tax bureau would serve on the Finance Committee for CTCB. He noted that one of those three member positions would be a permanent one for the Central Dauphin School District. He noted that at the

end of the five years, the municipalities would need to reaffirm the bylaws or recommend changes. He explained that this resolution recommends that two of the members should retain permanent seats on the Finance Committee, one from the Central Dauphin School District and the second from Lower Paxton Township. He noted that the Township is the second largest municipality in regards to earned income tax receipts. He noted that this resolution would petition for these changes.

Mr. Blain made a motion to adopt Resolution 2006-33 authorizing the Township to pursue an amendment of the bylaws of the CTCB. Mr. Crissman seconded the motion. Mr. Seeds called for a voice vote, and all members voted unanimously.

Resolution 06-32; Authorizing the execution of a supplemental agreement with PENNDOT for winter maintenance services

Mr. Wolfe explained that this agreement is part of the five-year winter maintenance service contract requirement with PENNDOT.

Mr. Crissman made a motion to authorize Resolution 2006-32, authorizing the execution of a supplemental agreement with PENNDOT for winter maintenance services. Mr. Blain seconded the motion. Mr. Seeds explained that Lower Paxton Township plows most of the roads in the Township, except for Route 22, Linglestown Road, and the east end of Union Deposit Road. He noted that PENNDOT reimburses the Township to plow the other state roads in the Township.

Mr. Seeds called for a voice vote, and all members voted unanimously.

Resolution 06-34; Accepting the Lower Paxton Township Arts Council Organizational Documents

Mr. Wolfe explained that the Arts Council prepared the Organizational Documents for the Board members' acceptance.

Mr. Luetchford explained that the Arts Council has worked very hard to organize itself for the long-term. He noted that they developed these documents to fit in well with the Township's organizational standards. Mr. Seeds noted that they are doing a great job, with such projects as the trash can decorations. He requested Mr. Luetchford to pass along to the Arts Council the appreciation of the Board for their hard work.

Mr. Crissman made a motion to adopt Resolution 2006-34 accepting Lower Paxton Township Arts Council Organization Documents, and wished them well in their work. Mr. Blain seconded the motion. Mr. Seeds called for a voice vote, and all members voted unanimously.

Preliminary/final subdivision plan for 5710 Union Deposit Road,
Bottom Line Contracting

Ms. Wissler explained that the plan involves approximately 4.68 acres of land located north of Union Deposit Road and east of the Central Dauphin School District property. The plan proposes to subdivide the land into eight lots. The property is zoned R-1, Low Density Residence District and will be served by public water and sewer systems.

Ms. Wissler noted on July 12, 2006, the Planning Commission recommended approval of the plan subject to the delineation of steep slopes and addressing the comments generated by Township Staff, Township Engineer and Dauphin County Planning Commission. The Commission also recommended approval of the requested waivers. Ms. Wissler noted that staff supports the first three waivers, but it does not support the curb waiver as part of the fourth waiver. She noted that both the Central Dauphin School District and Montrail Development were required to install curb.

Ms. Wissler noted that Mr. Paul Navarro from Navarro and Wright is present to represent the plan.

Mr. Seeds questioned if PENNDOT would waive the curb requirement. Ms. Wissler noted that, because the developer is not required to install sidewalks, PENNDOT only requires

the curb radius of the new road entering the development. Mr. Seeds noted that staff's recommendation is to grant the waiver for the sidewalk only and not for the curb.

Mr. Crissman questioned if the waiver is for the sidewalk in the development or along Union Deposit Road. Mr. Navarro answered that the sidewalk would be located from the curb radius on Union Deposit Road to both east and west property lines. Mr. Navarro noted that internal sidewalks would be installed. Mr. Crissman questioned if this property is contiguous with school district property. Ms. Wissler answered that it is not, but she noted that the school district was required to install curbing for their property along Union Deposit Road.

Mr. Seeds questioned where the water would drain from the street if the curb was waived or if it was required. Mr. Navarro answered that the curb would help to control the drainage as the road slope would provide for additional off-site drainage, and the proposed inlets near the curb radius would pick up the drainage. He noted that roadside swales would drain the water where there is no curb along lots 1 and 8. He noted that two swales run along the back of both sides of the properties to convey drain water to the infiltration facility planned for the rear of the property. Mr. Seeds noted if the curb waiver was granted the drains would be located at the curb radius installed at the street location, which would convey the water north of the property. Mr. Seeds questioned what would happen to the water east and west of the entrance if the curb was not installed. Mr. Navarro answered that a recent paving improvement occurred to the shoulder of the road, and the roadside swales would direct the water to the inlets at the entrance. He explained that he met with PENNDOT representatives at the site, and the comment was made that unless sidewalks were installed there was no need to install curbs past the radius to the street. Mr. Seeds questioned if the water to the east would flow back to the inlets. Mr. Navarro noted that it would continue to flow east on Union Deposit Road as it currently does now. Mr. Navarro noted that there are no sidewalks in the area, and for safety reasons they are requesting

the waiver. Mr. Seeds noted that Mr. Navarro would need a tremendous amount of fill to build the sidewalks to meet the Township's specifications.

Mr. Navarro noted that there is a tremendous amount of earthwork needed to meet the 10% to 12% slope requirement. He noted that he must provide the Township with a slope stability analysis to provide assurances that the construction of the road would meet certain compaction requirements in the placement of the fill.

Mr. Seeds noted that the land is not very level and he questioned if it would create more of a problem by requiring the curb since he did not know when the adjoining properties would be developed and curbed. Ms. Wissler stated that she was trying to be consistent with what has been done in the past. Mr. Crissman questioned Mr. Navarro if he was willing to install the curb. Mr. Navarro noted that he would, but he would need to amend his submission to PENNDOT for the Highway Occupancy Permit.

Mr. Hornung noted that the requirements stated that the curb is required as shown on the plan, and he noted that a curb is shown on the plan, and he questioned Ms. Wissler where she wanted the curb to extend to. She answered that the plan only shows curb on the radius, but she would want it to be extended the whole length of the property along Union Deposit Road on both sides of the entrance.

Mr. Blain noted that there is no curb on that side of the road other than at the Central Dauphin School District property. Ms. Wissler noted that it would also be placed at the Montrail development, and there is curb on the other side of Union Deposit Road. Ms. Wissler noted that she is trying to be consistent, and a check of the grades for that area show that it would be a doable requirement. She noted that the Planning Commission was satisfied with curb at the radius only. Mr. Blain noted that he would be satisfied with curb at the radius only, because it would result in spotty curbing along Union Deposit Road. Mr. Crissman questioned if a mistake

was made to require the other two developers to install curbs. He suggested that it is good to be consistent.

Mr. Crissman questioned Mr. Navarro if he was in agreement with the three waiver requests, outside of the curb issue, the site specific conditions, which outlines HRG, Inc's. 13 points, as well as the eight general conditions and two staff comments. Mr. Navarro answered that he was in agreement with these issues and noted that some of the items have already been addressed.

Mr. Hornung questioned where the 12% grade was located for the street. Mr. Navarro proceeded to point this location to Mr. Hornung on a copy of the plan.

Mr. Crissman made a motion to approve the Preliminary/final subdivision plan, 2006-02, for 5710 Union Deposit Road, Bottom Line Contracting with the following waivers and comments: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that centerline grades shall not exceed 10% for minor and private streets; 12% is proposed; 3) Waiver of the requirement that intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 60' of the intersection of the nearest right-of-way lines; 5% is proposed; 4) Waiver of the sidewalk requirement for Union Deposit Road but not the waiver of the curb requirement for a portion of the frontage of Union Deposit Road (as shown on the plan); 5) Plan approval shall be subject to addressing HRG's comments dated August 31, 2006; 6) Plan approval shall be subject to providing original seals and signatures on the plan; 7) Plan approval shall be subject to the payment of the engineering review fees; 8) Plan approval shall be subject to the payment of fee-in-lieu for seven lots at \$2,300.00 per lot; 9) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit; 10) Plan approval shall be subject to Dauphin County Conservation District's review and approval of an Erosion & Sedimentation Control Plan; 11)

Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 12) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 13) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 14) A street/storm sewer construction permit is required for construction of street and storm sewer facilities; and 15) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance. Mr. Blain seconded the motion.

Mr. Hornung noted that he had a concern that the residents would be pulling up to Union Deposit Road with a 5% grade. He noted that he did not know what difference a 5% grade would make while trying to pull out onto Union Deposit Road. He noted that staff supported the waiver from a 4% grade to a 5% grade, and he wanted to know if this would be a potential problem for a person trying to pull out on Union Deposit Road in winter time. He suggested that he would sooner see a higher percent slope on the road and not at the intersection. Mr. Wolfe noted that he did not know the answer to the question, but he questioned if the leveling area could be smoothed out more than the 5% proposed to provide a greater slope to the current 12%. Mr. Navarro noted that this area has a 60 foot approach to Union Deposit Road, and the difference between the two grades is 4 inches in roadway surface with a stacking length of three cars. He noted that he shared this concern with PENNDOT during an on-site meeting, to determine if the plan met the criteria for the sight distance in both areas, and he was told that it did.

Mr. Hornung questioned what the site distances were for this street. Mr. Navarro answered that the sight distance to the east is roughly 540 feet and to the west is 352 feet. He noted that they are both in compliance with the required 350-foot requirement for the posted speed limit. Mr. Seeds questioned if the four inches could have been tweaked in another section of the street, in order to eliminate this request. Mr. Navarro answered that it would have created a

steeper slope for a larger portion of the street. Mr. Wolfe questioned what speed limit was used for the calculations. Mr. Navarro suggested that it was 45 mph, but he could not find it written on the plan.

Mr. Wolfe questioned if there was sufficient sight distance based upon the actual speed of vehicles driven on the roadway, and not the posted speed limit. Mr. Navarro answered that the sight distances are based on PENNDOT's recommendations. Mr. Seeds questioned Mr. Navarro if he had received a Highway Occupancy Permit from PENNDOT. Mr. Navarro answered that he did not and was reviewing comments received from PENNDOT.

Mr. Seeds called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

Preliminary/final land development plan for a new office building at
4075 Linglestown Road

Ms. Wissler explained that the purpose of the plan is to permit the construction of two one-story office buildings, a total of 3,850 square feet, and new off-street parking areas. The property is located at 4075 Linglestown Road and is zoned BC, Business Campus District. The tract of land possesses approximately 0.6619 acres and is served by public sewer and public water.

Ms. Wissler noted that on March 8, 2006, the Planning Commission recommended approval of the plan subject to addressing the review comments. The Commission also recommended approval of the requested waivers. Ms. Wissler noted that the waiver of the sidewalk requirement along the frontage of Linglestown Road has been withdrawn by the applicant.

Ms. Wissler noted that Mr. Staub and Mr. Mudgett are present on behalf of the plan.

Mr. Crissman questioned if there was any significance to the third staff comment in bold print. Ms. Wissler noted that this done to bring to Mr. Mudgett's attention that no banners are permitted on Linglestown Road.

Mr. Crissman questioned Mr. Staub if he was in agreement with the one waiver request, one site specific comment from HRG, Inc. with 13 points, six general conditions and three staff comments. Mr. Staub answered that his client was in agreement with the above listed items.

Mr. Crissman made a motion to approve the preliminary/final land development plan 2006-09 for new office buildings at 4075 Linglestown Road with the following waiver and comments: 1) Waiver of the requirement to submit a preliminary plan; 2) Plan approval shall be subject to addressing HRG's comments dated May 11, 2006; 3) Plan approval shall be subject to providing original seals and signatures on the plan; 4) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 5) Plan approval shall be subject to the payment of the engineering review fees; 6) Plan approval shall be subject to the Dauphin County Conservation District's review and approval of an Erosion & Sedimentation Control Plan; 7) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 8) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit; 9) The proposed buildings will be required to have a fire protection system per Township requirements; 10) A street/storm sewer construction permit is required for construction of storm water facilities; and 11) All proposed site signage, including construction signs, shall comply with the Lower Paxton Township Zoning Ordinance. Banners are not permitted on Linglestown Road. Mr. Blain seconded the motion. Mr. Seeds called for a roll call vote; Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; and Mr. Seeds, aye.

IMPROVEMENT GUARANTEES

Mr. Seeds noted that there are six Improvement Guarantees.

Mr. Hornung questioned why some of the Improvement Guarantee expiration dates are the same for some and a month apart for others. Ms. Wissler answered that for bonds and escrows, the dates are the same, but for letters of credit the Township gives itself a month's leeway for the agreement. Mr. Hornung noted that he was happy to see that the projects with minimal work were only granted a few months extension instead of a year.

Mindy Meadows, Phase II

A new bond with Eastern Atlantic Insurance Company in the amount of \$530,000.00 with an expiration date of September 5, 2007.

Shoppes at Colonial Road

A reduction in an escrow account with Lower Paxton Township in the amount of \$3,300.00 with an expiration date of November 15, 2006.

Chelsey Falls, Phase I

A reduction in a bond with Lexon Insurance Company in the amount of \$173,291.25 with an expiration date of August 24, 2007.

Members 1st Federal Credit Union

A new letter of credit with Mid-Atlantic Corporate Federal Credit Union in the amount of \$171,600.00 with an expiration date of June 29, 2007.

Homza Chiropractic Center

A reduction in a letter of credit with Citizens Bank in the amount of \$1,155.00 with an expiration date of October 31, 2006.

Chelsey Park

A reduction in a letter of credit with Farmers First Bank in the amount of \$1,463.00 with an expiration date of December 4, 2006.

Mr. Crissman made a motion to approve the six listed Improvement Guarantee requests as presented. Mr. Hornung seconded the motion, and a unanimous voice followed.

Payment of Bills

Mr. Blain made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Announcements

There were no announcements.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 9:06 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman
Township Secretary